IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE NINETEENTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION No. 29301 of 1997

Between:

1 Asapu Veera Vara Prasad Rao S/o Veera Raju
2 Asapu Sugunaratnam W/o Sathyanarayana
3 Asapu Suryakantham W/o Veeraju
4 Padala Satyavati W/o.Nageswara Rao
5 Padala Nagaratnam W/o.Abbai
6 Kommana Nukalamma W/o sanyasa Rao
7 Muppana Parvathi W/o Chinnabbai
8 Muppana Veerabhadra Rao s/o Veerraju
9 Padala Saibaba s/o Hanumantha Rao
10 Padala Hanumantha Rao s/o Bulliabbai
11 Padala Suri Babu s/o Hanumanth Rao
12 Smt Padala Veeraju w/o Hanumanth Rao
13 Padala Satya Chamundeswari w/o Suri babu
14 Padala Achutamba w/o saibabu
15 Inumarthi Nagarathnam w/o Surya rao
16 Padala Suryakantam w/o Surya rao
17 Padala China Satyavati w/o Bhaskar Rao
18 Parisetti Sanyasa Rao S/o.Satyam
19 Chandana Omnassivaya S/o.Nagabhushanam,
20 Malipeddi Peddamma W/o.Veerraju
21 Kalepu Chinnayamma, W/o Bangarayya
22 Kondapalli Shyamala, W/o.Veerraju,
23 Asapu Satyanarayana S/o Veerraju
24 Donthamusetti Srinivasu, S/o.Surya Rao,
25 Asapu Yugandhari, S/o.Veeravara Prasad
26 Padala China Suryakantam, W/o.Krishna Rao,
27 Battula Veera Venkata Laxmi W/o.Nageswara Rao
28 Golla Naga Kanakadurga W/o.Veerabhadra Vara Prasad
29 Asapu Mallikharjuna Rao S/o.Veerraju,
30 Asapu Bhadram, S/o.Mallikarjuna Rao,

31 Donthamsetti Nageswara Rao S/o.Veeranna,
32 Padala Surya Rao, S/o.Bulliabbay
33 Goru Pallapu Raju S/o.Nagaraju,
34 Goru Nooka Raju, S/o.Veerabhadra Rao
35 Inumarthi Bhaskara Rao S/o.Mallanna
36 Inumarthi Satyanarayana, S/o.Tatabbai
37 Muppanna Bulli Abbay, S/o.Mallikarjuna Rao
38 Malipeddi Suryakantam, W/o.Verraju

39 Goru Jayaprakasa Rao S/o Satyanarayana
40 Goru Bhubhavati, W/o.Subrmanyam,
41 Goru Ganesh, W/o.Satyanarayana
42 Goru Jogamma, S/o.Bheemaiah
43 Mondi Bhanumathi, W/o.Somasekharam
44 Mondi Somaraju W/o.Somayya
45 Muppana Ramarajyam W/o.Verraju
46 Mavuri Annapurna W/o.Verraju,
47 Kondamalla Bhavani W/o.Laxmana Rao
48 Kondamalla Laxmana Rao S/o Gavaraiah
49 Bachu Bandari, S/o.Paidaiah,

50 Bachhu Veera Bramaramba, W/o.Basavaraju,

51 Budida Parvathi W/o Somasekharam
52 Padala Veera Venkata Satyanarayana S/o Krishna Rao
53 Padala Balachandramouleeswara Rao s/o Surya Rao
54 Mondi Somasekharam s/o Somaraju
55 Padala Gandhi s/o Padda Abbai
56 Jatla Yellaraiah s/o Nagalingam
57 Jatla Veerabhadra Swami s/o Yallaraiah
58 Manem Mallikharjuna Rao s/o Linga Raju
59 Bachhu Naga Veera Venkata Satyanarayana s/o Basavaraju
60 Jatla Satyanarayana s/o satyam
61 Balla Bhavani w/o Malleswara Rao
62 Bondapalli Bheemeswara Rao s/o Subba Rao
63 Tsappati Veera Hanumantha Rao s/o Surya Rao
64 Bondapalli Srisailam s/o Bhadram
65 Bondapalli Venkateswara Rao s/o Bhadram
66 Jakkam Kantam w/o Venkateswara Rao
67 Donthamsetti Rajakumari w/o Satyanarayana
68 Yarra Nagamani w/o Babu rao
69 Yarra Achhutamba w/o Subramanyam
70 Battula Srinivasu s/o Rama Rap
71 Yarra Nagamani w/o Lingaiah
72 Yarra Parvathi w/o Veerraju
73 Yarra Srinivasu s/o Veerabhadra Rao
74 Padala Satyavati w/o Satyanarayana
75 Padala Satyanarayana s/o Pedda Abbai
76 Padala Bulli Abbay s/o Satyanaayana
77 Padala Annapurna w/o Gandhi
78 Muppana Veerraju s/o Rama Rao
79 Muppana Viswanatham s/o Veerraju
80 Muppana Somaraju s/o China Veerabhadra Rao
81 Mavuri Kasiviswantham s/o Gurraiah

82 Goru Appala Raju s/o Sarabhaiah
83 Bondapalli Subba Rao s/o Rama Rao
84 Yarra Satyanarayana s/o Nukanna
85 Jalagam Bhaskara Rao s/o Mallilarjuna rao
86 Kommana Nookaratnam s/o Suryaprakasa Rao
87 Batta Veerabhadram s/o Bapiraju
88 Chinta Sattamma w/o Bulliyya
89 Golla Ramalingeswara Rao s/o Mallikharjuna Rao
90 Pesala Suryaprakasa Rao S/o Subbaraju

(All are residents of Peddapuram, E.G.district)

..... PETITIONERS

AND

1 The Director of Handlooms & Textiles Government of Andhra Pradesh
4th Floor, BRK Bhavan, Tank Bund Road, Hyderabad.
2 District Collector,
East Godavari District Kakinada.
3 Asst. Director, Handlooms & Textiles.
Gandhi Nagar Kakinada
4 The Peddapuram Cotton & Silk Handloom Weavers
Cooperative Production & sale Society Ltd (NO.B/255),
Peddapuram East Godavari District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court will be pleased to issue a Writ of Mandamus or any other appropriate writ or direction declaring the action of the 3rd Respondents in proposing to remove the names of the petitioners from the 4th Respondent society on the ground of not owning individual looms as illegal, arbitrary and contrary to the provisions of the A.P Cooperative Societies Act.

Counsel for the Petitioner : Mr.O.MANOHAR REDDY

Counsel for Respondents : Mr.S.RAVINDRANATH

The Court made the following :

ORDER:

Questioning the action of the 3rd Respondents in proposing to remove the names of the petitioners from the 4th Respondent society on the ground of not owning individual looms, the present writ petition is filed.

When the matter is taken up today for hearing, it is submitted by the learned

counsel for the petitioners and conceded by the learned counsel appearing for respondents that the subject matter of this writ petition is squarely covered by a judgment of this Court dated 10.9.1998 in W.P.No. 8938 of 1997 and batch, wherein this Court considered similar issue and allowed the same with the following observations:

> "…….. Further, the concerned authority appears to have proceeded on the assumption that owning of a loom is necessary criterion for eligibility for membership of Weavers Cooperative Society. But a reading of Explanation I(ii) of Section 19 of the A.P. Cooperative Societies Act, 1964, in which the term 'Weaver' has been defined, would make it clear that weaver is one who attends to operations of weaving of cloth or fabric or product on the loom whether such operation is carried on in private dwelling house or any other place and is dependant on weaving as profession and income thereof. Thus, owning of a loom is not an essential condition for admission of a weaver as a member. What is required is that he should be dependant on weaving as his profession and source of income and whether he carries on Weaving in a private dwelling house or any other place ownership of a loom is not necessary. On this ground also, the impugned order which appears to proceed on the assumption that owning of a loom is a condition precedent for a membership of the society is bad. At any rate, as it has been held that the principles of natural justice have been violated, the impugned orders are set aside. However, it is open to the respondents, if they are so advised, to conduct fresh enquiry after giving adequate opportunities to the petitioners to make their representations, if necessary, by giving an opportunity of personal hearing and adduce evidence.
>
> In the result, the writ petitions are allowed and the impugned orders are set aside. No costs".

In the circumstances, following the above judgment, this writ petition is also allowed for the same and similar reasons. No costs.

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N.V.RAMANA, J

Date: 19.4.2005

DA/SVV

That Rule Nisi has been made absolute as above.

Witness, the Hon'ble Sri Bilal Nazki, the Acting Chief Justice on this Tuesday, Nineteenth day of April, Two Thousand and five.

…… REGISTRAR

// true copy //

SECTION OFFICER

To

1 The Director of Handlooms & Textiles Government of Andhra Pradesh
4th Floor, BRK Bhavan, Tank Bund Road, Hyderabad.
2 District Collector, East Godavari District Kakinada
3 Asst. Director, Handlooms & Textiles, Gandhi Nagar, Kakinada.
4 The Peddapuram Cotton & Silk Handloom Weavers
Cooperative Production & sale Society Ltd (NO.B/255),
Peddapuram East Godavari District.

5 Two CD copies.